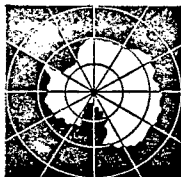


TRAITÉ SUR L'ANTARCTIQUE

XV^e CONFÉRENCE CONSULTATIVE

ДОГОВОР ОБ АНТАРКТИКЕ

XV КОНСУЛЬТАТИВНОЕ СОВЕЩАНИЕ



ANTARCTIC TREATY

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A JOINT AUSTRALIA/FRENCH PROPOSAL IN THE FORM OF A PAPER
INCLUDING A DRAFT RECOMMENDATION FOR ATCM XV

COMPREHENSIVE MEASURES FOR THE PROTECTION OF THE ANTARCTIC
ENVIRONMENT AND ITS DEPENDENT AND ASSOCIATED ECOSYSTEMS

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1. BACKGROUND

From the establishment of the Antarctic Treaty System, the Consultative Parties, in exercise of their special responsibilities, have demonstrated a sustained concern to protect and conserve the fragile and unique Antarctic environment.

That sustained concern is fully justified for a number of reasons. Antarctica has a major influence on the world climate. Moreover, by reason of its location, harsh climate and relatively pristine wilderness qualities, the Antarctic environment offers special opportunities for research in many fields. Many of the most important areas of study concern the world's climate. Partly as a result of Antarctic research, we know that human activities are responsible for many changes in the global environment. The process of studying those changes and of developing responses to them is assuming some considerable urgency.

The Antarctic region, including the Southern Ocean, is inextricably linked with the global environment and thus has an essential role in studies of it. Interactions between the atmosphere, ice, ocean and living systems affect the entire global system through mechanisms still insufficiently understood. Antarctica has a major influence on the global environment. The Antarctic ice sheet contains 70 % of the world's fresh water. Any significant changes to the Antarctic environment could have global consequences for atmospheric and oceanic circulation and upon sea levels.

Antarctica presents an unsurpassed opportunity for wilderness preservation. The value of Antarctica's wilderness qualities is recognised by Consultative Parties. There is a value in the preservation of those qualities for their own sake. They are of outstanding significance. The vast majority of Antarctica is wilderness in the classic sense - large expanses affected principally by natural forces. Human impacts are limited mainly to the research stations, most of which are located on the few relatively small ice free areas. Antarctica is still remote from centres of industry and still relatively uncontaminated.

This is not to say that it is unaffected by human activity. The impact of human activities in some areas is now becoming an increasingly important issue. Of real environmental concern are the growing number of scientific stations especially where they become concentrated in some areas, the potential for dramatic increase in tourist activities, and the risks of accidents with even the best conducted scientific drilling.

The most obvious impact of human activities on the Antarctic environment lies simply in the impact of the infrastructure required to maintain a human presence there. The establishment of a station can have a permanent impact on the environment and its continued operation can have significant cumulative effects. The impact of wastes and their discharge into the sea or atmosphere is also relevant. Human activity in Antarctica cannot avoid the environmental impacts of foot, vehicular, air and marine traffic. The need to assess impacts and make judgements about their acceptability therefore assumes some importance.

2. EXISTING PROTECTION OF THE ANTARCTIC ENVIRONMENT

The Antarctic environment, and its dependent and associated ecosystems, are protected in a number of ways including the legislation and management policies of states,

the provisions of the Antarctic Treaty System and measures under the Treaty System.

The measures under the Treaty System include :

- . the agreed measures for the conservation of Antarctic fauna and flora;
- . the code of conduct for Antarctic expeditions and station activities;
- . Numerous recommendations including guidelines for environmental impact assessment, scientific drilling and consultation as to the siting of stations.

The conventions now forming part of the Antarctic Treaty System are:

- . The Convention on the Conservation of Antarctic Seals ("CCAS") and
- . The Convention on the Conservation of Antarctic Marine Living Resources ("CCAMLR").

In addition, the Convention on the Regulation of Antarctic Mineral Resource Activities ("CRAMRA") has been concluded.

The present system of instruments and measures has evolved as human activity in Antarctica and awareness of the consequences of that activity has grown. As a result there is now a combination of hortatory measures and others requiring implementing measures to provide protection for some components of the Antarctic environment or in respect of different classes of activity.

3. THE NEED FOR A COMPREHENSIVE APPROACH

While this evolutionary approach has been wide ranging, it left many significant gaps. It requires constant attention to ensure its adequacy in the face of changes in the nature of human activities. The differing standards and procedures in the various treaties, recommendations and measures reflect the differing times and contexts in which they were drawn up. There are real problems with adequacy, in ensuring compliance in practice and with coordination.

The need for a comprehensive scheme of protection for the Antarctic environment is now pressing. The world community is recognising that an integrated approach must be taken to environmental problems. Effects of human activity are no respecter of the artificial competences that may be set up between different institutions. A target obviously in need of protection may require attention to be given to a whole range of matters which may previously have been considered unrelated. There is also a need to protect the scientific value of an untouched Antarctica.

There is a fundamental tension between the value of Antarctica in its relatively untouched state and the increasing human activity. Many of the factors leading to human activity in Antarctica have their basis in its pristine qualities. Yet it is those very qualities that can be most at risk from human activity.

While noting the immediate scope for additional ad hoc measures to protect the Antarctic environment, in the view of France and Australia it is timely to consider the requirements for overall protection of the Antarctic environment. The only forum to do this lies within the Antarctic Treaty System which has proven able to respond effectively to changing circumstances. However, the future strength of the Treaty System will depend upon its ability to continue to grow and adapt.

4. PROPOSALS FOR A COMPREHENSIVE APPROACH

At the Preparatory Meeting for ATCM XV held in Paris in May 1989 there was considerable discussion of the desirability of a more comprehensive and coordinated approach to environmental protection in Antarctica.

The Secretary General of the French MFA, M. Scheer, referred to the matter in his opening remarks. The delegation of Chile took up this theme and circulated a paper, WP/PREP 1, proposing the inclusion of an item on the agenda for ATCM XV entitled "comprehensive measures for the protection of the Antarctic environment and dependent and associated ecosystems". The inscription of this item received the unanimous support of the Treaty parties, and a number of delegations circulated papers or made comments designed to explore options and ways of advancing the consideration of the item through the consultative process. Since the Preparatory Meeting, the governments of France and Australia, amongst others, have declared their strong commitment to the protection of the Antarctic environment and the merits of the comprehensive approach. They have also suggested for consideration some specific options for the achievement of this objective which have built on earlier proposals made within the Treaty System. Further alternatives are likely to be forthcoming from other Consultative Parties.

5. DRAFT RECOMMENDATION TO ATCM XV

In order to assist this process the governments of Australia and France have developed the attached draft recommendation concerning a Special Antarctic Treaty Consultative Meeting on the protection of the Antarctic environment in accordance with the approach taken at the Preparatory Meeting in May.

DRAFT RECOMMENDATION

The representatives,
considering and recognising that;

1. in the environment of the Antarctic Treaty area the ecosystem is particularly vulnerable to human interference;
2. the Antarctic derives much its scientific importance from its uncontaminated and undisturbed wilderness condition; and
3. there is an increasingly urgent need to protect the environment from the impacts of human activity;

conscious that international concern for the environment and the importance of Antarctica for the global environment requires a review of existing measures;

conscious that the growing intensity of human activity in the Antarctic calls for a coordinated approach to environmental protection and conservation contained under the Antarctic Treaty System;

recognising the prime responsibilities of the Consultative Parties in relation to the protection and conservation of the environment in the Antarctic Treaty area and the importance of the work they have undertaken to this end;

convinced further of the necessity of maintaining the Antarctic Treaty in its entirety and believing that the early conclusion of a comprehensive regime for the protection of the Antarctic environment and dependent and associated ecosystems establishing Antarctica as a wilderness reserve would further strengthen the Antarctic Treaty Framework;

noting the unity between the continent of Antarctica, its atmosphere and the adjacent offshore areas;

recalling the history of action taken by Consultative Parties concerning conservation and protection of the Antarctic ecosystems including, in particular, recommendations III-VIII, VIII-11, XII-4, X-7 and XIV-2;

convinced that the early conclusion of an environmental protection regime is required to enhance protection of the Antarctic environment;

RECOMMEND TO THEIR GOVERNMENTS THAT:

1. a comprehensive regime for the protection of the Antarctic environment and dependent and associated ecosystems should be concluded as a matter of urgency in order to establish the Antarctic as a wilderness reserve.

2. they promote and co-operate in scientific investigations which would facilitate the effective operation of the proposed regime and that generally they intensify as far as possible scientific research related to the Antarctic environment.

3. in keeping with consensus amongst ATCPs to protect fully the Antarctic environment, a Special Consultative Meeting be convened in 1990 in order to:

a) review existing measures under the Antarctic Treaty System affecting the protection of the Antarctic environment and dependent and associated ecosystems;

b) elaborate a comprehensive regime for the protection of the Antarctic environment and dependent and associated ecosystems as a wilderness reserve;

c) determine the form of the regime, including the question whether an international instrument under the Antarctic Treaty System such as a convention or protocol is necessary;

d) establish a schedule for its deliberations, using formal meetings and sessions of the Special Consultative Meeting as appropriate; and

e) take any other steps that may be necessary to facilitate the conclusion of the regime, including a decision as to the procedure for its adoption;

4. the Special Consultative Meeting shall base its work on this recommendation and take account of the discussions at the Fifteenth Consultative Meeting, its report and the documents presented to it, and, in the elaboration of a comprehensive regime, shall take into account inter alia the following elements:

a) the regime should explicitly recognise the prime responsibilities of the consultative parties in relation to the protection of the environment in the Antarctic Treaty area and take account of existing measures recommended by the Consultative Parties to this end;

b) the Antarctic Treaty must be maintained in its entirety;

c) the provision of Article IV of the Antarctic Treaty shall not be affected by the regime. It should ensure that the principles embodied in Article IV are safeguarded in application to the areas south of 60 degrees South latitude;

d) the regime should provide for the effective protection of the Antarctic environment and ecosystems as a whole with special regard to their scientific and related wilderness qualities;

e) the need to determine the territorial scope of the regime bearing in mind existing instruments of the Antarctic Treaty System.

5. the regime should establish:

- a) principles for the regulation or prohibition of human activities harmful to the Antarctic environment or its dependent or associated ecosystems;
- b) means for assessing the possible impact of human activities on the Antarctic environment and the acceptability of them in order to provide for informed decision-making;
- c) a requirement that all human activities undertaken within the territorial scope of the regime be undertaken in compliance with the regime;
- d) appropriate institutional arrangements for its implementation by the ATCPS;
- e) provisions for co-operative arrangements between the regime and other relevant international organisations;
- f) provision for the promotion of research related to necessary environmental management decisions.